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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. 94-\_\_\_\_\_  
Table of Allotments, ) RM No. \_\_\_\_\_  
FM Broadcast Stations )  
 )  
(Rocky Mount and Bassett, VA) )

To: The Chief, Policy and Rules Division

**PETITION FOR RULEMAKING**

WNLB Radio, Inc., by its attorney, pursuant to Section 1.401(b) of the Commission's rules, respectfully seeks to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, as follows:

	<u>Present</u>	<u>Proposed</u>
Rocky Mount, VA	260A	----
Rocky Mount, VA	----	260C3

WNLB Radio, Inc. is the licensee of FM station WZBB, Rocky Mount, Virginia. WZBB presently operates on Channel 260A at Rocky Mount. The instant proposal is to reassign Channel 260 from Rocky Mount to Bassett, Virginia, to change the class of the allotment from A to C3, and to modify the license of station WZBB accordingly.

The reference coordinates for the proposed allotment are 36° 48' 47" North latitude and 80° 04' 41" West longitude. As demonstrated in the attached Engineering Exhibit of William Culpepper & Associates, Inc., the hypothetical site proposed in this petition meets the minimum distance separation requirements set forth in

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Section 73.207 of the Commission's rules. The only apparent short spacing is to the former site of station WRFX, Channel 259C, Kannapolis, North Carolina; on January 28, 1994 that station filed a license application for a new authorized facility on Channel 259C1 (File No. BLH-940128KZ), which exceeds spacing requirements to the present proposal by more than 34 kilometers.

The attached Engineering Exhibit further demonstrates that the proposed allotment is mutually exclusive with the existing allotment of Channel 260A at Rocky Mount, which is presently occupied by station WZBB. Accordingly, the change of community proposed herein from Rocky Mount to Bassett may be made in the course of this rulemaking proceeding pursuant to Section 1.420(i) of the Commission's rules.

It is respectfully submitted that the instant proposal meets the standards set forth in Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989) ("Modification of Community of License"). Therein, the Commission added Section 1.420(i) to its rules to provide a procedure whereby a licensee could petition for amendment to the FM Table of Allotments and modification of its license where the proposal would permit otherwise unavailable service improvements and would result in a preferential arrangement of allotments in light of the relevant 1982 FM allotment criteria. Id. at 4873 (§ 25). As demonstrated in the Engineering Exhibit, WZBB is precluded from upgrading its facility at Rocky Mount. Mr. Culpepper further demonstrates that the

improvement proposed herein will result in service to 80.2% more area and 100.2% more population.

In addition to the expansion of WZBB's coverage which the proposal would permit, we respectfully submit that the proposal would also result in a preferential arrangement of the Commission's FM allotment criteria. In revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 91-92 (1992), the Commission established the following simplified priorities:

1. First full-time aural service
2. Second full-time aural service
3. First local service
4. Other public interest factors

[co-equal weight given to priorities (2) and (3)]

The Commission further provided that the fourth priority would take into account the number of local services and relative size of the proposed communities. Id. at 92, note 8. As demonstrated in the attached Engineering Exhibit, the proposal herein will not invoke priorities (1) or (2). Moreover, the proposal would not result in the creation of any underserved area. However, priority (3) is dispositive, as Rocky Mount is already served by daytime AM station WNLB and full-time AM station WYTI, whereas Bassett presently has no local broadcast service, having recently lost WODY-AM through reassignment to Fieldale, Virginia. Thus, the reallocation of WZBB's channel from Rocky Mount to Bassett would leave Rocky Mount with one full-time local service and an additional daytime local service, while restoring a first local service to Bassett.

It is further noted that the community of Bassett is a Census Designated Place with a 1990 population of 1,579. The community indicia described in the attached Engineering Statement, as well as the fact that until recently Bassett was the city of license of another broadcast facility, all serve to demonstrate that Bassett is a licensable community within the meaning of the Commission's allotment criteria. See, e.g., North Naples, Florida, 41 RR2d 1549 (1977).

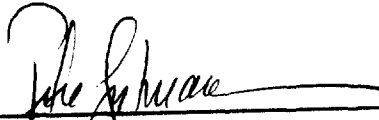
In sum, the instant proposal will result in a net service benefit to the communities involved and a preferential arrangement of allotments. Modification of Community of License, supra, at 4873, 4874. Specifically, the loss of an additional broadcast service at Rocky Mount (1990 population: 4,098) will be outweighed by the provision of a first local service at Bassett (1990 population: 1,579). The resulting service improvement will enable WZBB to serve a population of 164,933, in comparison to its present service to 82,192, and will overcome the existing preclusion to improved service which WZBB now faces.

Upon allotment of Channel 260C3 to Bassett and modification of the WZBB license for that allotment, WNLB Radio, Inc. will promptly apply for that facility and, upon grant of its application, will promptly construct and operate the proposed facility.

For the foregoing reasons, WNLB Radio, Inc. respectfully requests that the Commission grant the relief requested herein.

Respectfully submitted,

WNLB RADIO, INC.

By:   
Peter Gutmann  
Its Attorney

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(202) 296-0600

March 1, 1994

**WNLE RADIO, INCORPORATED**

**ROCKY MOUNT, VIRGINIA**

**ENGINEERING EXHIBIT**

**FEBRUARY 1994**

**WILLIAM CULPEPPER & ASSOCIATES, INC.  
900 JEFFERSON DRIVE  
CHARLOTTE, NORTH CAROLINA 28270**

WNLB RADIO, INCORPORATED

ROCKY MOUNT, VIRGINIA

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WNLB RADIO, INCORPORATED

ROCKY MOUNT, VIRGINIA

DECLARATION

I declare, under penalty of perjury, that I have prepared the attached Engineering Exhibit for WNLB Radio, Incorporated, and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief; and that I am a Registered Professional Engineer in the State of North Carolina.

Executed on February 25, 1994.



William A. Culpepper

William Culpepper & Associates, Inc.  
900 Jefferson Drive  
Charlotte, NC 28270  
704-365-9995



WNLB RADIO, INCORPORATED

ROCKY MOUNT, VIRGINIA

NARRATIVE

This exhibit supports the attached petition of WNLB Radio, Incorporated. The petitioner is the licensee of WZBB, channel 260A, Rocky Mount, Virginia. The purpose of the petition is to modify the FM Table of Allotments to reassign channel 260 from Rocky Mount, Virginia to Bassett, Virginia, to change the class from A to C3, and to modify the license of WZBB accordingly.

WNLB(AM) is assigned to Rocky Mount and operates daytime-only with 3.2 kilowatts. WYTI is also assigned to Rocky Mount, and it operates full-time with 2.5 kilowatts day and 0.44 kilowatts night.

WODY-AM was assigned to Bassett, however, it has been reassigned to Fieldale, Virginia, leaving Bassett with no local broadcast service. Reassignment of WZBB from Rocky Mount to Bassett would leave Rocky Mount with one full-time local service and one daytime local service, and it would restore local service to Bassett.

Figure 1 demonstrates that the present 60 dBu contour of WZBB is covered by the 60 DbU contours of at least five FM stations. Inspection of Figure 1 makes it obvious that implementation of this petition will not create any new underserved area.

Bassett is a Census Designated Place with a 1990 population of 1579. It has the following community indicia:

1. Twenty-one churches
2. A US Post Office
3. Bassett High School
4. A rescue squad
5. A volunteer fire department
6. The Bassett Country Club
7. The Bassett Community Center
8. Toastmasters Club
9. Jaycees
10. Moose Lodge
11. Ruritan Lodge

NARRATIVE... (continued)

In addition to the above indicia, Bassett has the following manufacturing facilities. (The number of employees is approximate):

- |                                 |                |
|---------------------------------|----------------|
| 1. Bassett Furniture Industries | 2700 employees |
| 2. Bassett-Walker, Incorporated | 1000 employees |
| 3. Bassett Mirror Company       | 475 employees  |
| 4. Aeroquip, Incorporated       | 120 employees  |
| 5. Tri-Wood Company             | 70 employees   |

In addition to the manufacturing facilities, Bassett has a number of mercantile establishments, including grocery stores, hardware stores and furniture stores.

A tabulation of distances from a reference point to existing facilities, authorizations, applications and known rule making petitions on channel 260 and the first, second, third, fifty-third and fifty-fourth adjacent channels is included in this exhibit. This reference point is at 36° 48' 47" north and 80° 04' 41" west, and it is 9.9 kilometers from the approximate center of Bassett. This reference point meets the requirements of §73.207, and a class C3 facility operating there with maximum class C3 facilities can easily meet the requirements of §73.315 regarding minimum signal strength over the principal community.

The area meeting the spacing requirements of §73.213 is large enough to provide reasonable assurance of a suitable transmitter site if this petition is granted.

The Spacing Study on page 4 shows that the proposed site is 26 kilometers short to WRFX, channel 259C, at Kannapolis, North Carolina. On January 28, 1994, WRFX filed a license application for its authorized facility on channel 259C1 which is 34 kilometers clear to this proposal. The file number of the license application is BLH-940128KC. WRFX has commenced program test at the new facility.

NARATIVE... (CONTINUED)

The areas and populations of the present service and of the proposed service at the reference coordinates (with maximum class C3 facilities) are as follows:

	AREA <u>(SQ. KM.)</u>	POPULATION <u>(1990 DATA)</u>
PRESENT	2481	82,192
PROPOSED	4473	164,933
PER CENT INCREASE	80.2	100.7

The spacing requirements for channel 260C3 cannot be met while also meeting the city-grade coverage requirements for Rocky Mount. Grant of this petition will permit the increased coverage of area and population as shown above, it will restore full-time local service to Bassett, it will not deprive Rocky Mount of full-time local service, and it will not create any new underserved area.

WILLIAM CULPEPPER & ASSOCIATES  
900 JEFFERSON DR - CHARLOTTE NC 28270

WNLB RADIO, INCORPORATED  
WZBB(FM)

REFERENCE

36 48 47 N  
80 04 41 W

CLASS C3

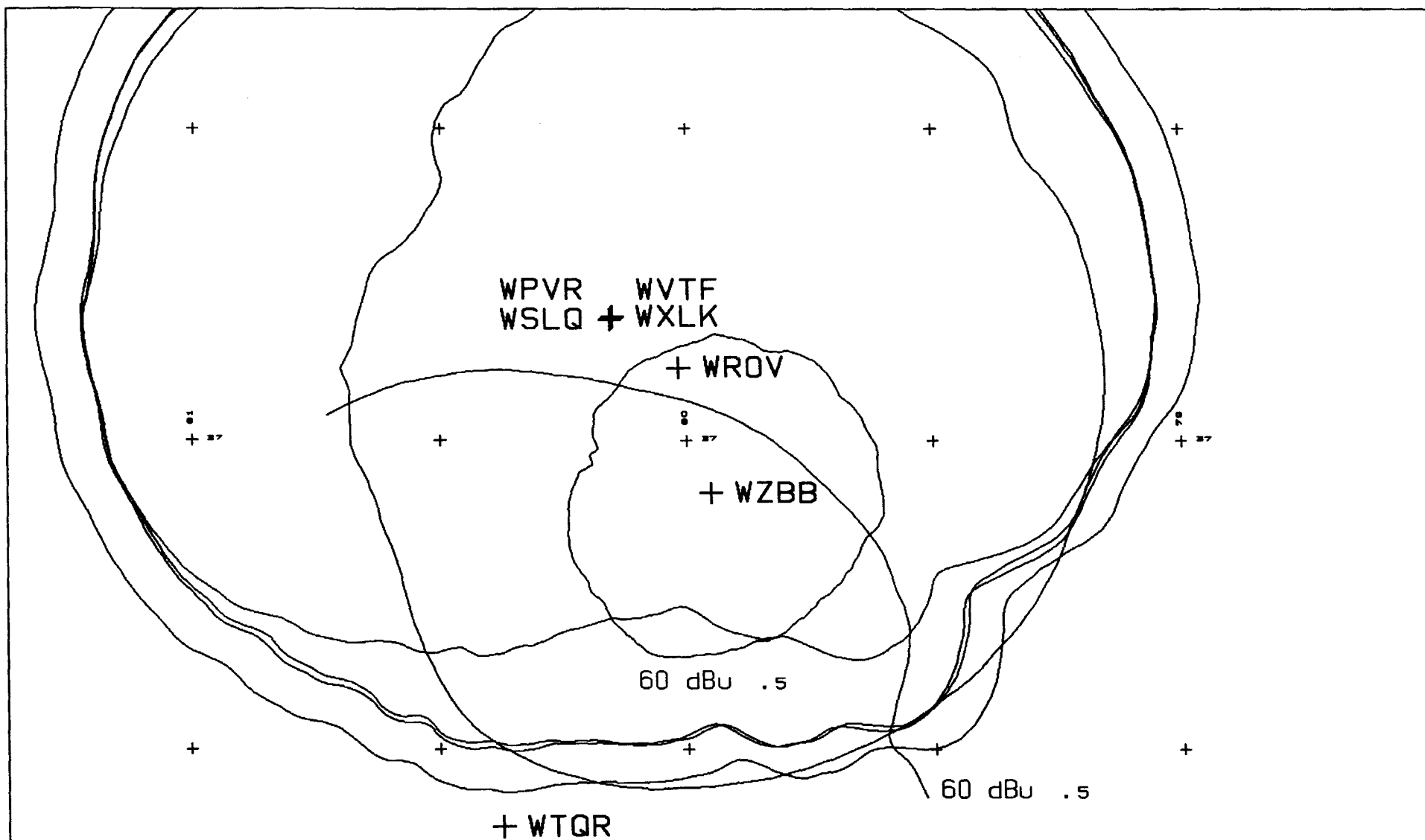
Current rules spacings

CHANNEL 260 - 99.9 MHz

DISPLAY DATES

DATA 01-26-94  
SEARCH 02-24-94

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WZBB	260A	Rocky Mount	VA	45.1	15.86	142.0	-126.14 *
WRFK	259C	Kannapolis	NC	202.3	149.99	176.0	-26.01 *
WVAF	260B	Charleston	WV	322.3	211.26	211.0	0.26 <
WWWB	262C	High Point	NC	166.4	96.36	96.0	0.36 <
WFXQ	260C3	Chase City	VA	90.3	154.23	153.0	1.23 <
WMAG	258C	High Point	NC	168.5	106.77	96.0	10.77
WVTF.C	206C	Roanoke	VA	351.4	43.30	31.0	12.30
WVTF	206C	Roanoke	VA	351.4	43.30	31.0	12.30
WLYK	261C3	Lynchburg	VA	51.6	113.78	99.0	14.78
WANVFM	259B	Staunton	VA	39.0	178.84	145.0	33.84
WRFK.C	259C1	Kannapolis	NC	198.2	178.22	144.0	34.22
WKSF	260C	Asheville	NC	237.4	286.13	237.0	49.13



THE PRESENT 60 dBu CONTOURS OF WZBB ROCKY MOUNT,  
WROV MARTINSVILLE, WSLQ ROANOKE, WPVR ROANOKE,  
WVTF ROANOKE AND WTQR WINSTON SALEM.

1:1,000,000

Scale in km

0 10 20 30 40 50 60 70

WZBB - WNLB RADIO, INCORPORATED  
ROCKY MOUNT, VIRGINIA

FIGURE 1